

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. _____
v. : DATE FILED: _____
: _____
TYWANNA S. MITCHELL : VIOLATION: 18 U.S.C. § 924(a)(1)(A)(False
: Statements-1 Count, 16
Firearms)
: Notice of Forfeiture

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

AT ALL TIMES MATERIAL TO THIS INFORMATION:

1. Jake's Gun Shop, 235 South Main Street, Nazareth, Pennsylvania, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal law.
2. Two Rivers Army and Navy Store, 36 North 3rd Street, Easton, Pennsylvania, possessed an FFL and was authorized to deal in firearms under federal law.
3. C & D Coin & Gun Shop, Inc., 231 East Broad Street, Bethlehem, Pennsylvania, possessed an FFL and was authorized to deal in firearms under federal law.
4. Dunkelberger's Sports Outfitter, 585 Main Street, Stroudsburg, Pennsylvania, possessed an FFL and was authorized to deal in firearms under federal law.
5. Toonerville Junction, 522 West Maple Street, Allentown, Pennsylvania, possessed an FFL and was authorized to deal in firearms under federal law.

6. Army and Navy Store (Kayton Company), 1045 Grape Street, Whitehall, Pennsylvania, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal law.

7. FFL holders were licensed, among other things, to sell firearms and ammunition. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929), govern the manner in which an FFL holder may sell firearms and ammunition.

8. The rules and regulations governing FFL holders required that a person seeking to purchase a handgun fill out a “Firearms Transaction Record,” ATF Form 4473. Part of the Form 4473 required that the prospective purchaser certify truthfully, subject to penalties of perjury, that she was the actual buyer of the firearm. The Form 4473 contained language warning that “[t]he federal firearms laws require that the individual filling out this form must be buying the firearm for [her]self or as a gift. Any individual who is not buying the firearm for himself/herself or as a gift, but who completes this form, violates the law.”

9. FFL holders were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder.

10. On or about each of the dates specified in the chart below, in the Eastern District of Pennsylvania, defendant

TYWANNA S. MITCHELL

knowingly made a false statement and representation with respect to the information required to be kept in the records of a federally licensed firearms dealer in connection with the acquisition of each of the firearms listed below, from the federally licensed firearms dealers listed below, in that

the defendant falsely represented in Department of Treasury Form 4473, Firearms Trans- action Record that she was the actual buyer of the firearms described below, when in fact the defendant knew those representations to be false.

	DATE AND FFL	FIREARM(S) PURCHASED
1	October 26, 2001 Jake's Gun Shop, 235 S. Main Street, Nazareth, Pennsylvania	1 Bulgarian, model Makarov, 9x18 pistol, serial number NH 253 711
2	October 28, 2001 Two Rivers Army & Navy Store 36 North 3rd Street, Easton, Pennsylvania	1 Jennings, model J9N, 9mm pistol, serial number 1460674
3	October 30, 2001 Jake's Gun Shop, 235 S. Main Street, Nazareth, Pennsylvania	1 Smith & Wesson, model SW40V, .40 caliber pistol, serial number PAV 3349
4	November 2, 2001 C & D Coin & Gun Shop, Inc. 231 East Broad Street, Bethlehem, Pennsylvania	1 Jennings, model J9, 9mm pistol, serial number 1464020 1 Jennings, model J9, 9mm pistol, serial number 1464019
5	November 5, 2001 Dunkelberger's Sports Outfitter (Jere Dunkelberger), 585 Main St., Stroudsburg, Pennsylvania	1 Sterling, model 302, .22 caliber pistol, serial number E62919
6	November 5, 2001 Two Rivers Army & Navy Store 36 N. 3rd St., Easton, Pennsylvania	1 Jennings, model J9N, 9mm pistol, serial number 1460673

7	November 7, 2001 C & D Coin & Gun Shop, Inc. 231 East Broad Street Bethlehem, Pennsylvania	1 Kel Tec, model P40, .40 caliber pistol, serial number 100108
8	November 9, 2001 Jake's Gun Shop, 235 S. Main Street, Nazareth, Pennsylvania	1 Bersa, model 383, .380 caliber pistol, serial number 260 760
9	November 19, 2001 Toonerville Junction, 522 W. Maple Street, Allentown, Pennsylvania	1 Hi Point, model JS9, 9mm pistol, serial number 096204
10	November 24, 2001 Two Rivers Army & Navy Store 36 North 3rd Street, Easton, Pennsylvania	1 Jennings, model J9N, 9mm pistol, serial number 1453798
11	November 29, 2001 Jake's Gun Shop, 235 S. Main Street, Nazareth, Pennsylvania	1 Astra, model A 75, 9mm pistol, serial number 1157C
12	November 30, 2001 Army and Navy Store (Kayton Company), 1045 Grape Street, Whitehall, Pennsylvania	1 Kel Tec, model P11B, 9x19 pistol, serial number 109102
13	December 3, 2001 Jake's Gun Shop, 235 S. Main Street, Nazareth, Pennsylvania	1 Intra Tec, model TEC 9, 9mm pistol, serial number E003713 1 Russian, model Makarov, 9x18 pistol, serial number BHE1868
14	December 5, 2001 Toonerville Junction, 522 W. Maple Street, Allentown, Pennsylvania	1 Smith & Wesson, model 30, .32 caliber revolver, serial number 31004/573658

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

NOTICE OF FORFEITURE

1. As a result of the violation of Title 18, United States Code, Section 924(a)(1)(A), as set forth in Count One of this Information, defendant

TYWANNA S. MITCHELL

shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C.

§ 2461(c), all firearms involved in the commission of these offenses, including, but not limited to:

- a. Bulgarian, model Makarov, 9x18 pistol, serial number NH 253 711;
- b. Jennings, model J9N, 9mm pistol, serial number 1460674;
- c. Smith & Wesson, model SW40V, .40 caliber pistol, serial number PAV 3349;
- d. Jennings, model J9, 9mm pistol, serial number 1464020;
- e. Jennings, model J9, 9mm pistol, serial number 1464019;
- f. Sterling, model 302, .22 caliber pistol, serial number E62919;
- g. Jennings, model J9N, 9mm pistol, serial number 1460673;
- h. Kel Tec, model P40, .40 caliber pistol, serial number 100108;
- i. Bersa, model 383, .380 caliber pistol, serial number 260 760;
- j. Hi Point, model JS9, 9mm pistol, serial number 096204;
- k. Jennings, model J9N, 9mm pistol, serial number 1453798;
- l. Astra, model A 75, 9mm pistol, serial number 1157C;
- m. Kel Tec, model P11B, 9x19 pistol, serial number 109102;
- n. Intra Tec, model TEC 9, 9mm pistol, serial number E003713;

- o. Russian, model Makarov, 9x18 pistol, serial number BHE1868; and
- p. Smith & Wesson, model 30, .32 caliber revolver, serial number
31004/573658

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

PATRICK L. MEEHAN
United States Attorney